

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No.77254

NVR Incorporated
The Prentice Hall Corporation
System M-Resident Agent
Suite A
8019 Corporate Drive
Baltimore MD 21236-4917

4205 Cross Spring Drive

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 14, 2010, for a Hearing on citation for a violation of the Baltimore County Code (BCC) section 500.9 (ZCPM), 32-3-102; (BCZR) section 102.1, 260, 260.7, 500.9, failure to install garage door with windows on residential property zoned DR 3.5 known as 4205 Cross Spring Drive, 21128.

On June 22, 2010, pursuant to § 3-6-205, Baltimore County Code, Supervising Inspector James H. Thompson issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$7,200.00 (seven thousand two hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

The following persons appeared for the Hearing and testified: Aaron Burch, Assistant County Attorney, Jennifer Nugent, Planner with the Development Review Division of the Baltimore County Planning Office and, James H. Thompson, Supervisor for the Bureau of Code Enforcement.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 5, 2010 for violation of commercial site plan and/or zoning order, failure to install garage door with windows per building permit. This Citation was issued on June 22, 2010.

B. Inspector James Thompson testified that he inspected the newly constructed homes in this development for compliance with Pattern Book requirements. Photographs in the file show a newly constructed house, with a large side garage door that has no windows. Re-inspection the day before this Hearing found no correction had been made.

C. Jennifer Nugent is a Planner in the Development Review Section, Baltimore County Office of Planning. Ms. Nugent testified that she has personal knowledge about the development proposals for this development because she reviewed the applications. She further testified that the requirement for windows in the garage door was imposed pursuant to Section 260 of the Baltimore County Zoning Regulations (BCZR), which provides for development design and performance standards for residential developments of four or more lots located within the urban/rural demarcation line.

D. Respondent's application for a Building Permit to construct this house was presented at the Hearing. Among the notations written on the permit application is the note "Garage door to have windows." Ms. Nugent testified that she wrote that note on the application during the review process, and further testified that the requirement was included on the site and grading plan and on the elevation plan that Respondent filed with the County. The Site and Grading Plan has "garage w/windows" written next to the house, and the elevation plan has "for high visibility lots w/windows, side entry garage door" written in the middle. Ms. Nugent further testified that a representative of the developer or builder who is obtaining the planning approvals and the building permits is present when these notes are written on the application.

E. The evidence presented clearly shows that Respondent has failed to construct this house in accordance with the requirements of the development plan and building permit, by failing to install a garage door with windows. The County has the authority to enforce this requirement. BCZR Section 260, Section 500.9; BCC 32-3-102. This Citation will therefore be enforced. Because compliance is the goal of code enforcement, the civil penalty will be substantially reduced if the violation is corrected within the time provided below. See BCC Section 3-6-207.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$7,200.00 (seven thousand two hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$400.00 (four hundred dollars) if the violation is corrected by August 19, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property or may be collected in the same manner as any civil money judgment or debt may be collected.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 20th day of July 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer